

## REMARKS

Reconsideration is respectfully requested.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

### Paragraphs 2 and 3 of the Office Action

Claims 21, 28 and 40 through 50 have been rejected under 35 U.S.C. §112 (second paragraph) as being indefinite.

The above amendments to claims 21, 28, and 40 are believed to clarify the requirements of the rejected claims, especially the particular points identified in the Office Action.

Withdrawal of the §112 rejection of claims 21, 28, and 40 through 50 is therefore respectfully requested.

### Paragraphs 4 and 5 of the Office Action

Claims 40, 41, 46 through 50 and 57 have been rejected under 35 U.S.C. §102(b) as being anticipated by Shelton (US Pat 5,345,501).

Claim 40, particularly as amended, requires "providing the customer with an option to respond, according to the customer's preference, with a requested product identification in spoken words and an option to respond with a requested product identification in DTMF-encoded signals". The invention recited in claim 40 thus permits the user to respond to the system in two ways, including voice and/or by DTMF signals generated by the keypad of the customer's telephone, based on the customer's preference. This feature is disclosed in the specification, for example, on pages 19 and 20, and is illustrated in the drawings, for example, in Figure 4.

The Shelton reference teaches generally a method and system

for taking customer orders. The description of Shelton discloses that DTMF signals can be used by the customer to place an order, but doesn't permit a customer to also place an order using voice to respond to the system inquiries. For some undiscernible reason, Figure 1 of the drawings of the Shelton patent depicts a "voice recognition unit" (VRU) in the drawings, but the description calls it a "voice response unit" (VRU) and all of the description regarding the VRU is consistent with the Shelton system plays prerecorded messages to the customer, and the customer can only respond with DTMF signals. Moreover, the example "script" provided in the description of the invention in the Shelton patent (at col. 5, line 28 through col. 6, line 2) clearly calls for responses that are entered through the telephone keypad to generate the DTMF signals, and does not call for any type of voice or spoken response. It is therefore submitted that the Shelton patent would not suggest to one of ordinary skill in the art to create a system that would provide a customer with the option to respond to the system with DTMF signals words and the option to respond with spoken words.

Claims 41, and 46 through 50 have also been rejected based on the Shelton patent. Claims 41 and 46 through 50 refer back to claim 40, so the distinctions between the Shelton patent and claim 40 set forth also apply to these claims.

In particular, the Office Action lumps claims 46 through 48 and 50 of the application together, stating that these claims "recite various elements of commonly known procedures practiced in order fulfillment".

Specifically, claim 46 requires, in part, "comparing the requested product quantity of a product item in a merchandise order to a predetermined limit quantity established for said product item

and, if the requested quantity exceeds said predetermined limit quantity, reciting the requested product quantity of the product item to the customer and requesting confirmation from the customer of the requested product quantity of the product item". The Office Action appears to equate this requirement with the product quantity and identity confirmation steps taken by the customers, or with limiting an order quantity to the available inventory of the product in order to prevent accepting orders that cannot be filled from the quantity in inventory. However, claim 46 states that the quantity is predetermined and does not require that the predetermined quantity be based on the inventory, or that the inventory be checked to determine the predetermined quantity, and does not state that this predetermined limit quantity is used to limit the size of the customer's order. The requirement of claim 46 simply acts as one means for catching errors in the order, and not as a limitation or a means for preventing the order from being accepted.

Further, claim 47 requires, in part, "choosing between the options of delivery of the product items to the customer and pickup of the product items by the customer, and picking the date and time of the transfer of the merchandise order". It is submitted that, in a broad sense, setting delivery terms in an online order may not be unique, but the recitation of claim 47 specifically sets forth one of the options of delivery as being "pick up of the product items by the customer", which would be strange to the traditional mail order or online order from a remote source in which pick up is not an option.

Claim 49, requires, in part, "said store station including *a portable station movable by a user about a product storage space*, and additionally comprising the step of transmitting a record of the merchandise order to a store station for requesting payment for the merchandise order" (emphasis added). The Office Action contends

that the Shelton patent teaches a portable station, but it does not appear that the Shelton patent, particularly at the locations of the Shelton disclosure identified in the Office Action, discloses anything that is described as being portable or "movable by a user about a product storage space". Specifically, it is submitted that nothing in the Shelton reference teaches or suggested that the host computer 30 of Shelton is movable, and therefore it is submitted that the Shelton reference could not lead one of ordinary skill in the art to the requirements of applicant's claim 49 of a portable station movable by a user about a product storage space.

Independent claim 57 also includes the "a portable station movable by a user about a product storage space" requirement discussed above with respect to claim 49, and for the reasons set forth above it is submitted that Shelton would not lead one skilled in the art to the combination of requirements of claim 57. Claim 57 also requires "providing the customer with an option to respond, according to the customer's preference, with a requested product identification in spoken words and an option to respond with a requested product identification in DTMF-encoded signals", which is similar to the requirement of claim 40, and therefore the remarks set forth above with respect to that requirement of claim 40 are submitted to be equally applicable to claim 57.

Withdrawal of the §102(b) rejection of claims 40, 41, 46 through 50 and 57 is therefore respectfully requested.

**Paragraphs 6 and 7 of the Office Action**

Claims 16 through 20, 22, 24 and 25 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Shelton (US Pat. 5,345,501) in view of Ross (US Pat. 5,720,157).

Claim 16 requires, in part, "said store station including a portable station movable by a user about a product storage space" and the step of "moving said portable station with the user about the product storage space between the product locations in the product storage space".

Again, as pointed out above with respect to claim 19, the Shelton disclosure has nothing that suggests that any part of its system is portable or movable, and does not disclose or suggest that any part of the system should be moved about a product storage space with a user.

The Ross patent discloses an automated system in which dispensing systems dispense items from their storage locations to a conveyor. The Ross patent lacks any movement of a person, or user, between storage locations in the product storage space, or any movement of any portable station with a user between storage locations. Ross teaches an automated system where products are moved to a conveyor by machinery so as to minimize human involvement (and movement) in the automated order assembly process.

Claims 17 through 20, 22, 24, and 25, which depend from claim 16, incorporate the requirements of claim 16, and therefore the above comments regarding the missing teachings of the prior art apply equally to these claims.

Withdrawal of the §103(a) rejection of claims 16 through 20, 22, 24 and 25 is therefore respectfully requested.

**Paragraph 8 of the Office Action**

Claim 23 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Shelton (US Pat. 5,345,501) in view of and

further in view of Ross (US Pat. 5,720,157) and further in view of Barrus et al. (US Pat. 5,465,291).

Claim 23 depends from claim 16, and therefore incorporates the requirements of claim 16, including "moving said portable station with the user about the product storage space between the product locations in the product storage space". Therefore, the remarks set forth above with regard to the requirements of claim 16 and the failure of the Shelton and Ross patents to lead one to those claim requirements are believed to be equally applicable to claim 23.

Further, the Barrus reference teaches a stationary home personal computer (see, e.g., Figures 2A and 2B of Barrus) with an optional wand that is hard-wired to the personal computer so that various bar codes printed on a sheet of paper may be scanned by the wand to indicate what items the customer wants to add to the order. Since the Barrus system is taught as being used in the home, the wand is clearly tied to the personal computer, and the wand is used to scan pieces of paper by a person at the computer, it is submitted that the Barrus teaching would not suggest to one of ordinary skill in the art the requirements of claim 16, and particularly the requirements set forth above.

Withdrawal of the §103(a) rejection of claim 23 is therefore respectfully requested.

**Paragraph 9 of the Office Action**

Claims 42 through 45 and 51 through 56 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Shelton (US Pat. 5,345,501) as applied to claim 40 above and further in view of article titled "Ordering Instructions for Price List" (p. 6-7),

(ordering).

As an initial matter, it is respectfully requested that the basis for establishing that the “Ordering Instructions for Price List” reference qualifies as prior art with respect to the claimed invention be set forth if this rejection is maintained in any further Office Action. It is respectfully submitted that the “Ordering Instructions for Price List” reference does not qualify as prior art for the following reasons.

The print of the “Ordering Instructions for Price List” reference that was included with the Office Action does not include any explicit publication date, but the Form PTO-892 that accompanied the Office Action indicates that this document has been accorded a date of “1994” for the purposes of the Office Action.

Section 2118 of the Manual of Patent Examining Procedure (MPEP) §2118 (at page 2100-65 of the 8th Edition) states the following:

Prior art disclosures on the Internet or on an on-line database are considered to be publicly available as of the date the item was publicly posted. If the publication does not include a publication date (or retrieval date), it cannot be relied upon as prior art under 35 U.S.C. 102(a) or (b), although it may be relied upon to provide evidence regarding the state of the art.

The print of the “Ordering Instructions for Price List” document that was supplied with the Office Action states on the cover page: “Printed from web site [www.mstc.state.mn.us/abc/forms/0801instructions.pdf](http://www.mstc.state.mn.us/abc/forms/0801instructions.pdf)”, but the cover page, and the remaining pages of the document lack any indication of the date that the document was printed from the Internet.

Since the “Ordering Instructions for Price List” document that was supplied with the Office Action does not include the requisite publication date information set forth in the above section of the MPEP, it is submitted that the reference cannot be accorded a date of “1994”.

Moreover, the only occurrence in the “Ordering Instructions for Price List” reference of any “1994” date appears on page 5 of the “Ordering Instructions for Price List” document, where the following legend appears:

**REGULATION NO. 29**  
*(As Amended 11/4/94)*

It appears that the Examiner may be relying upon this legend as the date of publication for this document, however, it is submitted that this date most likely is referring to the date that the “Regulation No. 29” was amended, not necessarily the date that this document was first available on the Internet. It is also noted that the text of the “Regulation No. 29” printed in the “Ordering Instructions for Price List” document does not address any aspect of the subject matter of the applicant’s claims.

Further, the portion of the disclosure of this “Ordering Instructions for Price List” document on which the rejection of the Office Action relies is actually on a different page, and appears to be separate from the “Regulation No. 29” text on page 5 of the “Ordering Instructions for Price List”.

It is also noted that a recent inspection of the web page at the indicated web address reveals that the document currently available on this Internet web page appears to be identical to the “Ordering

Instructions for Price List" document that was supplied with the Office Action and is asserted to have been publicly available since 1994. It is submitted that it is highly unlikely that a document regarding ordering instructions on the Internet has not been changed or updated since 1994, and remains identical to a form that was allegedly available in 1994.

Claims 42 through 45 depend from claim 40, which, as noted above, requires "providing the customer with an option to respond, according to the customer's preference, with a requested product identification in spoken words and an option to respond with a requested product identification in DTMF-encoded signals", and therefore the discussion above with regard to claim 40 and the teaching of the Shelton patent is submitted to also be applicable here.

Further, while the "Ordering Instructions for Price List" reference at pages 6 and 7 does mention "interactive voice response", there is no indication that any DTMF-encoded signal responses are permitted, or that the customer is given the option to respond in spoken words and the option to respond with DTMF-encoded signals.

Claims 51, 54, 55, and 56 are independent claims that, particularly as amended, also require "providing the customer with an option to respond, according to the customer's preference, with a requested product identification in spoken words and an option to respond with a requested product identification in DTMF-encoded signals". (Claims 52 and 53, which depend from claim 51, also incorporate this requirement.) Thus, the remarks set forth above with respect to the similar requirement of claim 40 is deemed to be equally applicable here.

Withdrawal of the §103(a) rejection of claims 42 through 45 and 51 through 56 is therefore respectfully requested.

**Paragraph 10 of the Office Action**

Claims 46 through 48 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Shelton (US Pat. 5,345,501) in view of Barrus et al. (US Pat. 5,465,291).

Claims 46 through 48 depend from claim 40, which, as noted above, requires “providing the customer with an option to respond, according to the customer’s preference, with a requested product identification in spoken words and an option to respond with a requested product identification in DTMF-encoded signals”, and therefore the discussion above with regard to claim 40 and the teaching of the Shelton patent and the Barrus patent is submitted to also be applicable here.

With respect to the Barrus patent at col. 12, line 60 through col. 13, line 20, there does not appear to be any discussion in the Barrus disclosure with respect to the order quantity to any other quantity, predetermined or not. Clarification as to what part of the this block of text of the Barrus patent teaches a quantity comparison is therefore respectfully requested.

Withdrawal of the §103(a) rejection of claims 46 through 48 is therefore respectfully requested.

**Paragraph 11 of the Office Action**

Claims 1 through 15, 26, 27 and 31 through 39 have been allowed.

**Paragraph 12 of the Office Action**

Paragraph 12 of the Office Action states that claims 29 and 30 would be allowable if written into independent form with the limitations of the base claim and any intervening claims.

The amendment incorporates the requirements of claim 16 into the recitation of claim 29, and therefore claim 29 is believed to be in condition for allowance.

The amendment incorporates the requirements of claim 16 into the recitation of claim 30, and therefore claim 30 is also believed to be in condition for allowance.

**Claim 28**

No rejection on a prior art basis was set forth in the Office Action with respect to claim 28. The dependency of claim 28 has been changed from claim 16 to claim 29 for providing proper antecedent basis for some of the requirements of claim 18. Since claim 29 is in condition for allowance, it is submitted that claim 28 is also in condition for allowance.

**VERSION WITH MARKINGS TO SHOW CHANGES MADE:**

**In the Claims** (bracketed parts deleted and underline parts added):

Claims 1 through 15 have been allowed.

16. (Twice amended) A method of merchandise ordering and order fulfillment, said method comprising:  
providing an order processing system comprising a central station interfaced to a telephone communication network so as be accessible to customers by telephone for creation of a merchandise order, said system further comprising a store station linked to said central station for receiving said merchandise order from said central station, said store station including a portable station movable by a user about a product storage space;  
assembling a customer order for fulfillment, including the step of requesting identification of product items to be added to the product order and the quantity of each identified product item; and  
fulfilling the merchandise order from the product storage space, including the steps of:  
compiling a listing of the product items of one or more merchandise orders to be assembled in the product storage space, [and]  
identifying the product locations in the product storage space of each of the product items on said listing of product items, and  
moving said portable station with the user about the product storage space between the product locations in the product storage space.

17. (Pending) The method of claim 22 wherein the step of determining additionally comprises, if an unfulfilled merchandise order is present on said database, providing a listing of product items of the unfulfilled merchandise order and inquiring whether the unfulfilled merchandise order is to be modified.

18. (Pending) The method of claim 16 wherein said step of assembling a merchandise order includes the steps of establishing a predetermined limit quantity for each product item, and comparing the requested quantity of a product item in a customer order to the predetermined limit quantity established for said product item and, if the requested quantity exceeds said predetermined limit quantity, requesting confirmation of the requested quantity.

19. (Pending) The method of claim 16 additionally comprising the step of selecting the merchandise order transfer characteristics for effecting the transfer to the customer of the product items of the merchandise order, wherein said step of selecting the merchandise order transfer characteristics includes choosing between the options of delivery of the product items to the customer and pickup of the product items by the customer, and picking the date and time of the transfer of the merchandise order

20. (Pending) The method of claim 16 wherein said assembling step includes the step of confirming the identity and quantity of the product item to be included in the customer order.

21. (Twice Amended) The method of claim 16 wherein said fulfilling step includes the steps of transmitting to said portable station the identification of the product item to be included in the customer order, requesting from said portable station the identification of the product item picked from said product storage

space, scanning a code associated with the product item, and comparing the code of the product item [identified] picked from said product storage space to the [identity] identification of the product item [identity] transmitted to said portable station.

22. (Pending) The method of claim 16 additionally comprising the step of determining if the customer account has an unfulfilled merchandise order by checking an unfulfilled merchandise orders database.

23. (Pending) The method of claim 16 additionally comprising the step of reciting a listing of any special offer product items.

24. (Pending) The method of claim 16 additionally comprising the step of requesting and recording a payment method for the cost of the merchandise order.

25. (Pending) The method of claim 16 additionally comprising the step of transmitting a record of the merchandise order to a store station for requesting payment for the merchandise order.

Claims 26 and 27 have been allowed.

28. (Amended) The method of claim [16] 29 wherein the step of fulfilling the merchandise order additionally comprises transmitting one of said person movement instructions and [a] the identification of the product item [identity] to said portable station in said product storage space for permitting a user of said portable station to locate a product item in said product storage space.

29. (Amended) [The] A method of [claim 16] merchandise ordering and order fulfillment, said method comprising:

providing an order processing system comprising a central station interfaced to a telephone communication network so as be accessible to customers by telephone for creation of a merchandise order, said system further comprising a store station linked to said central station for receiving said merchandise order from said central station, said store station including a portable station movable by a user about a product storage space;

assembling a customer order for fulfillment, including the step of requesting identification of product items to be added to the product order and the quantity of each identified product item; and

fulfilling the merchandise order from the product storage space, including the steps of:

compiling a listing of the product items of one or more merchandise orders to be assembled in the product storage space, and

identifying the product locations in the product storage space of each of the product items on said listing of product items;

wherein the step of fulfilling the merchandise order additionally comprises determining a merchandise order fulfillment path through said product storage space, said order fulfillment path comprising a sequence of person movement instructions between the product locations of product items on said listing of merchandise items.

30. (Amended) [The] A method of [claim 16] merchandise ordering and order fulfillment, said method comprising:  
providing an order processing system comprising a central station interfaced to a telephone communication network so as be accessible to customers by telephone for creation of a

merchandise order, said system further comprising a store station linked to said central station for receiving said merchandise order from said central station, said store station including a portable station movable by a user about a product storage space;

assembling a customer order for fulfillment, including the step of requesting identification of product items to be added to the product order and the quantity of each identified product item; and

fulfilling the merchandise order from the product storage space, including the steps of:

compiling a listing of the product items of one or more merchandise orders to be assembled in the product storage space, and

identifying the product locations in the product storage space of each of the product items on said listing of product items;

wherein the step of fulfilling the merchandise order additionally comprises transmitting one of said person movement instructions and a product item identity to said portable station in said product storage space for permitting a user of said portable station to locate a product item in said product storage space; and determining a merchandise order fulfillment path through said product storage space, said order fulfillment path comprising a sequence of person movement instructions between the product locations of product items on said listing of merchandise items.

Claims 31 through 39 have been allowed.

40. (Twice amended) A method of merchandise ordering [and order fulfillment], said method comprising:

providing an order processing system comprising a central station

interfaced to a telephone communication network so as be accessible to customers by telephone for creation of a merchandise order; and

interactively assembling a customer order for fulfillment, including the steps of:

requesting from a customer, by spoken word generated by said central station, a product identification of a product item and a quantity of the product item to be added to the merchandise order;

providing the customer with an option to respond, according to the customer's preference, with a requested product identification in spoken words and an option to respond with a requested product identification in DTMF-encoded signals;

receiving [a] the requested product identification and a requested product quantity from a customer [, said requested product identification and requested product quantity being received] by said central station [in at least one form of communication selected from the group of communication forms including spoken words and DTMF-encoded signals]; and

confirming, by spoken word generated by said central station, the identity and quantity of the product item to be included in the merchandise order.

41. (Pending) The method of claim 40 wherein said confirming step includes reciting to the customer a product description and a product price of the product item corresponding to the product identification.

42. (Pending) The method of claim 40 additionally comprising determining if the customer has an unfulfilled merchandise order by

checking an unfulfilled merchandise orders database.

43. (Pending) The method of claim 42 additionally comprising, if an unfulfilled merchandise order is present on said unfulfilled merchandise orders database, inquiring whether the customer desires a listing of the product items in the unfulfilled merchandise order, and if a positive response is received from the customer, reciting a listing of product items of the unfulfilled merchandise order.

44. (Pending) The method of claim 43 additionally comprising transmitting to the customer a merchandise order transfer characteristic of the unfulfilled merchandise order to the customer.

45. (Pending) The method of claim 43 additionally comprising inquiring whether the unfulfilled merchandise order is to be modified.

46. (Pending) The method of claim 40 wherein said assembling step comprises comparing the requested product quantity of a product item in a merchandise order to a predetermined limit quantity established for said product item and, if the requested quantity exceeds said predetermined limit quantity, reciting the requested product quantity of the product item to the customer and requesting confirmation from the customer of the requested product quantity of the product item.

47. (Pending) The method of claim 40 additionally comprising selecting the merchandise order transfer characteristics for effecting the transfer to the customer of the product items of the merchandise order, including choosing between the options of delivery of the product items to the customer and pickup of the product items by the customer, and picking the date and time of the transfer of the

merchandise order.

48. (Pending) The method of claim 40 additionally comprising inquiring whether the customer wishes to hear a recitation of product items on which there is a special offer, and if a response from the customer is positive, reciting a listing of any special offer product items.

49. (Pending) The method of claim 40 wherein said system further comprises a store station linked to said central station for receiving said merchandise order from said central station, said store station including a portable station movable by a user about a product storage space, and additionally comprising the step of transmitting a record of the merchandise order to a store station for requesting payment for the merchandise order.

50. (Pending) The method of claim 40 wherein said assembling step includes determining whether the product identification entered by the customer is a valid product identification.

51. (Amended) A method of merchandise ordering and order fulfillment, said method comprising:  
providing an order processing system comprising a central station interfaced to a telephone communication network so as be accessible to customers by telephone for creation of a merchandise order; and  
assembling a customer order for fulfillment, including the steps of:  
requesting from a customer a product identification of a product item and a quantity of the product item to be added to the merchandise order;  
providing the customer with an option to respond, according to

the customer's preference, with a requested product identification in spoken words and an option to respond with a requested product identification in DTMF-encoded signals;

receiving [a] the requested product identification and a requested product quantity from a customer; and confirming the identity and quantity of the product item to be included in the merchandise order;

determining if the customer has an unfulfilled merchandise order by checking an unfulfilled merchandise orders database; and if an unfulfilled merchandise order is present on said unfulfilled merchandise orders database, inquiring whether the customer desires a listing of the product items in the unfulfilled merchandise order, and if a positive response is received from the customer, reciting a listing of product items of the unfulfilled merchandise order.

52. (Pending) The method of claim 51 additionally comprising transmitting to the customer a merchandise order transfer characteristic of the unfulfilled merchandise order to the customer.

53. (Pending) The method of claim 51 additionally comprising inquiring whether the unfulfilled merchandise order is to be modified.

54. (Amended) A method of merchandise ordering and order fulfillment, said method comprising:  
providing an order processing system comprising a central station interfaced to a telephone communication network so as be accessible to customers by telephone for creation of a merchandise order; and  
assembling a customer order for fulfillment, including the steps of:

requesting from a customer a product identification of a product item and a quantity of the product item to be added to the merchandise order;

providing the customer with an option to respond, according to the customer's preference, with a requested product identification in spoken words and an option to respond with a requested product identification in DTMF-encoded signals;

receiving [a] the requested product identification and a requested product quantity from a customer;

confirming the identity and quantity of the product item to be included in the merchandise order; and

comparing the requested product quantity of a product item in a merchandise order to a predetermined limit quantity established for said product item and, if the requested quantity exceeds said predetermined limit quantity, reciting the requested product quantity of the product item to the customer and requesting confirmation from the customer of the requested product quantity of the product item.

55. (Amended) A method of merchandise ordering and order fulfillment, said method comprising:

providing an order processing system comprising a central station interfaced to a telephone communication network so as be accessible to customers by telephone for creation of a merchandise order; and

assembling a customer order for fulfillment, including the steps of:

requesting from a customer a product identification of a product item and a quantity of the product item to be added to the merchandise order;

providing the customer with an option to respond, according to  
the customer's preference, with a requested product  
identification in spoken words and an option to respond  
with a requested product identification in DTMF-  
encoded signals;  
receiving [a] the requested product identification and a  
requested product quantity from a customer; and  
confirming the identity and quantity of the product item to be  
included in the merchandise order;  
selecting the merchandise order transfer characteristics for effecting  
the transfer to the customer of the product items of the  
merchandise order, including choosing between the options of  
delivery of the product items to the customer and pickup of  
the product items by the customer, and picking the date and  
time of the transfer of the merchandise order.

56. (Amended) A method of merchandise ordering and order  
fulfillment, said method comprising:  
providing an order processing system comprising a central station  
interfaced to a telephone communication network so as be  
accessible to customers by telephone for creation of a  
merchandise order;  
assembling a customer order for fulfillment, including the steps of:  
requesting from a customer a product identification of a  
product item and a quantity of the product item to be  
added to the merchandise order;  
providing the customer with an option to respond, according to  
the customer's preference, with a requested product  
identification in spoken words and an option to respond  
with a requested product identification in DTMF-  
encoded signals;

receiving [a] the requested product identification and a requested product quantity from a customer; confirming the identity and quantity of the product item to be included in the merchandise order; and inquiring whether the customer wishes to hear a recitation of product items on which there is a special offer, and if a response from the customer is positive, reciting a listing of any special offer product items.

57. (Amended) A method of merchandise ordering and order fulfillment, said method comprising:

providing an order processing system comprising a central station interfaced to a telephone communication network so as be accessible to customers by telephone for creation of a merchandise order, said order processing system including a store station linked to said central station for receiving said merchandise order from said central station, said store station including a portable station movable by a user about a product storage space;

assembling a customer order for fulfillment, including the steps of:

requesting from a customer a product identification of a product item and a quantity of the product item to be added to the merchandise order;

providing the customer with an option to respond, according to the customer's preference, with a requested product identification in spoken words and an option to respond with a requested product identification in DTMF-encoded signals;

receiving [a] the requested product identification and a requested product quantity from a customer;

confirming the identity and quantity of the product item to be

included in the merchandise order; and  
transmitting a record of the merchandise order to a store station for  
requesting payment for the merchandise order.

**CONCLUSION**

In light of the foregoing amendments and remarks, early  
reconsideration and allowance of this application are most  
courteously solicited.

Respectfully submitted,

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